

TOPICS FOR DISCUSSION

MEETING BETWEEN GOVERNOR ALEJANDRO GARCÍA PADILLA AND EPA'S REGIONAL ADMINISTRATOR JUDITH ENCK

DECEMBER 1, 2016

EPA Participants:

- Judith Enck, Regional Administrator, EPA Region 2
- Carmen Guerrero, Director, Caribbean Environmental Protection Division, EPA Region 2

Topics for Discussion:

1. Status Puerto Rico State Revolving Fund Program
2. Caribbean Recycling Summit (Universidad Politécnica, December 1 and 2)
3. EPA's Coal Combustion Residuals Rule (CCRs) – Federal Jurisdiction on AES Ashes in Puerto Rico
4. Commonwealth and Federal Government Transition Process: (1) Caño Martín Peña; (2) Vieques Sustainability Task Force; (3) Culebra Clean-Up; (4) Recycling and Composting; (5) Others

Non-responsive

COAL COMBUSTION RESIDUALS (CCRS) RULE:

- EPA promulgated a rule, published in the *Federal Register* on April 17, 2015, concerning the disposal of coal combustion residuals (CCRs) from electric utilities.
- EPA issued the rule to provide a comprehensive set of requirements for the safe disposal of CCRs, commonly known as coal ash, from coal-fired power plants. The final rule is the culmination of extensive study on the effects of coal ash on the environment and public health. The rule establishes technical requirements for CCR landfills and surface impoundments under subtitle D of the Resource Conservation and Recovery Act, the nation's primary law for regulating solid waste.
- This final rule was effective on October 14, 2015, but parts of the rule are currently under litigation.
- The rule establishes that available information demonstrates that the risks posed to human health and the environment by certain CCR management units warrant regulatory controls. EPA finalized national minimum criteria for existing and new CCR landfills and existing and new CCR surface impoundments and all lateral expansions consisting of location restrictions, design and operating criteria, groundwater monitoring and corrective action, closure requirements and post closure care, and recordkeeping, notification, and internet posting requirements.
- Further information about the rule can be found at <https://www.epa.gov/coalash/coal-ash-rule#summary>.
- As a result of litigation on the rule, EPA agreed in 2016 to a remand of certain technical provisions of the rule, and the Agency has begun work on a proposed rule to address those

issues. The litigation continues in the U.S. Court of Appeals for the D.C. Circuit regarding certain other portions of the rule.

- Permitted municipal solid waste landfills (MSWLFs) are not subject to the requirements of EPA's CCR rule. (See 40 C.F.R. 257.50(i).) Thus, federal law does not prohibit the disposal of CCRs in a permitted MSWLF that operates in full compliance with the criteria for MSWLFs, set forth at 40 CFR Part 258, or the use of CCRs as daily cover at such a permitted landfill.
- States (and the Commonwealth of Puerto Rico) are free to establish more stringent requirements if they wish.